

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

Six Social Media Accounts stored at Premises Controlled by
Facebook, Inc.

Case No. 17-M-1232

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

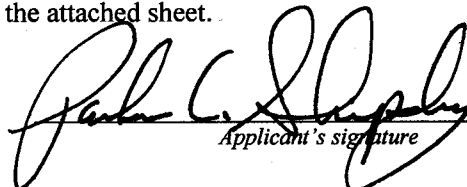
The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18, United States Code, Section 2339B(a)(1); Title 18, United States Code, Section 2339B(a)(1); Title 18, United States Code, Sections 2339B(a)(1) and 2

The application is based on these facts: See attached affidavit.

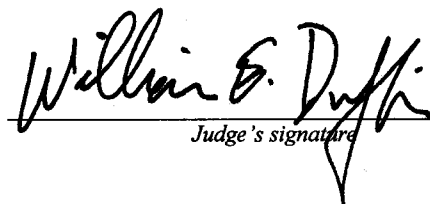
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Special Agent Parker Shipley, FBI
Printed Name and Title

Sworn to before me and signed in my presence:

Date: 2/16/17


Judge's signature

City and State: Milwaukee, Wisconsin

Honorable William E. Duffin, U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

IN THE MATTER OF THE SEARCH OF:

Six Social Media Accounts stored at Premises
Controlled by Facebook, Inc.

Case No. 17-M-1232

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A WARRANT TO
SEARCH AND SEIZE**

I, Parker C. Shipley, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND INVESTIGATOR BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with certain Facebook user IDs that are stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the user ID.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI), currently assigned to the Milwaukee Field Office, Joint Terrorism Task Force (JTTF). I have been with the FBI since 1999. Prior to becoming a Special Agent with the FBI, I was a Commissioned Officer in the U.S. Army for approximately eight and one half years. I am involved in investigations of

persons suspected of international terrorism in the State of Wisconsin and throughout the United States.

3. The facts in this affidavit come from my personal observations, and information obtained from other agents and witnesses. Because the information outlined herein is provided for the limited purpose of establishing probable cause, this affidavit does not exhaustively contain each and every fact and detail of which I and other law enforcement officers are aware relating to this investigation.

4. Based on facts set forth in this affidavit, I submit there is probable cause to believe that JASON MICHAEL LUDKE and YOSVANY PADILLA-CONDE have conspired to provide material support to a foreign terrorist organization in violation of Title 18, United States Code, Section 2339B(a)(1); that LUDKE attempted to provide material support to a foreign terrorist organization in violation of Title 18, United States Code, Section 2339B(a)(1); and that PADILLA-CONDE aided and abetted LUDKE's attempt, in violation of Title 18, United States Code, Sections 2339B(a)(1) and 2. LUDKE is also known as MUHAMMAD NASSIR, MUHAMMAD ABDUN NAASIR AL-HANNAFI, and ABUZ SAYYAF. PADILLA-CONDE is also known as SAADIQ IBN ABBAS and SAADIQ PADILLA. On November 8, 2016, a grand jury sitting in the Eastern District of Wisconsin indicted LUDKE and PADILLA-CONDE on said charges. I submit there is also probable cause to search the Facebook accounts identified herein for evidence of the above identified crimes.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE ACCOUNTS TO BE EXAMINED

6. The accounts to be searched are:

- (1) Facebook User ID Abuz Sayyaf/100013584309330 (**TARGET ACCOUNT #1**);
- (2) Facebook User ID Aboo Dujana/100013677728206 (**TARGET ACCOUNT #2**);
- (3) Facebook User ID Abdullah Islam/100010807535746 (**TARGET ACCOUNT #3**);
- (4) Facebook User ID Mohamed Abdun Naasir/ 100010784828336 (**TARGET ACCOUNT #4**);
- (5) Facebook User ID Aboo Dujana/100013655050137 (**TARGET ACCOUNT #5**);
- (6) Facebook User ID Abdullah Islam/100010500665387 (**TARGET ACCOUNT #6**).

PROBABLE CAUSE

7. On October 15, 2004, the United States Secretary of State designated Al-Qaeda in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization (FTO) Under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224.

8. On May 15, 2015, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al'Sham (ISIS), the Islamic State of Iraq and Syria (ISIS), ad-Dawla al'Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State. On September 21, 2015, the

Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. To date, ISIL remains a designated FTO.

9. In September 2016, an FBI undercover employee (UCE) received a friend request from LUDKE using **TARGET ACCOUNT #1**, and the name "Abuz Sayyaf." The UCE accepted the friend request, and thereafter had a private conversation with LUDKE on **TARGET ACCOUNT #1**. During that conversation, the UCE inquired about LUDKE's location. LUDKE stated that he is from USA and that he wants to make "hijra" (migration) away from "darul kufri" (land of the infidel).

10. On September 28, 2016, LUDKE had another private conversation with the UCE on **TARGET ACCOUNT #1**. During that conversation LUDKE stated that he was making plans to come "there" but because he has a criminal past he was traveling first to Mexico. LUDKE stated that he has family in Mexico and will be able to purchase papers. LUDKE and the UCE exchanged email addresses, LUDKE's address being salafimuslim1980@XXX.com. LUDKE sent two pictures of himself to the UCE's email address.

11. On September 28, 2016, LUDKE, using the screen name Abuz Sayyaf, contacted UCE via **TARGET ACCOUNT #1** and stated that he is focused on hijra and that he wanted to have a voice chat with the UCE. The UCE asked if LUDKE had an account on a different social media platform. Thereafter, LUDKE created an account, exchanged user names with the UCE, provided the UCE with his phone number (414) 759-XXXX, and made a call to the UCE. During the conversation, LUDKE told the UCE that he lives in Milwaukee, Wisconsin, with his "brother," and that he converted to Islam in 2003. LUDKE stated that he is working on his "brother," who is aware of LUDKE's intentions, and who may also be interested in joining ISIL. LUDKE stated that he has a brother-in-law in Mexico who can help them get from the United States and into Mexico.

LUDKE stated that he [LUDKE] has no travel documents but that he can purchase them in Mexico. The UCE asked LUDKE to wait for further instructions before making any attempt to leave the United States. LUDKE agreed to wait while the UCE consults with persons who can help LUDKE get into Raqqa, Syria and then into Mosul [Iraq]. LUDKE uttered the Islamic creed, pledged his allegiance to the leader of ISIL (the purported "Caliph"), Al-Baghdadi, stated that he wants to live under Shariah law, that he rejects tyranny and Kuffar [infidels], that he believes in Al-Wala' wa Al-Bara', [love Muslims and hate infidels for Allah's sake], that he is ready to make hijrah [migration] to join ISIL as he knows they are on the path of Haq [truth]. LUDKE also stated that he's tired of living under the infidel's system and that he wants to make hijrah to learn the deen [religion] and to strive for Jannah [paradise].

12. On September 29, 2016, LUDKE, using email address salafimuslim1980@XXX.com, sent a video to the UCE in which he stated the following (as preliminarily translated and transcribed):

Bism Allah Al-Rahman Al-Rahim [in the name of Allah, the most compassionate and the most merciful] Alsalamu Alaykum wa rahmatu Allahi wa barakatuh, [peace be upon you and Allah's mercy and blessings] my name is Muhammed Abdul Nasir, Abu nasir, wallahi, [By Allah] I pledged my allegiance to the Amir Al-Mu'minin [Commander of the faithful] Al-Baghdadi as an Imam and Caliph based on the Qur'an and Sunnah in the path of the Khulafa' Al-Rashidun [the rightly guided Caliphates] I hear and obey with my capacity and hereby give you brother my Bay'a, in shaa' Allah I am striving for Jannah [Paradise], I love you all fi sabil Allah [for the sake of Allah].

13. On October 1, 2016, LUDKE, using the name "Nasir" and email address salafimuslim1980@XXX.com, emailed the UCE and asked the UCE to call him at phone number (414) 759-XXXX. In separate emails, LUDKE also sent two photos of himself and one with his "brother," whom LUDKE referred to as "Saadiq," later identified as PADILLA-CONDE. Also on

October 1, 2016, LUDKE sent another email to the UCE stating that he had to create a new Facebook account, **TARGET ACCOUNT #2**, in the name "Aboo Dujana."

14. Later on October 1, 2016, the UCE received an email from email address abuzaidasalafiyya@XXX.com. The name on the email is AbuZaid Haddaf. The sender stated that he is Abu Dujana's brother. An attached video clip shows a man, later identified as PADILLA-CONDE, pledging allegiance to the Amir Al-Mu'minin [Commander of the faithful] assessed to be Al-Baghdadi. A handmade flag of ISIL can be seen in the background. On the video, PADILLA-CONDE states the following (as preliminarily translated and transcribed):

Bism Allah Al-Rahman Al-Rahim [in the name of Allah, the most compassionate and the most merciful] Alsalamu Alaykum ya ikhwan, [greetings my brothers], my name is Saadiq Ibn Abbas, also known as Abu Zaid, I am making this video to you brothers to show my allegiance to the Amir Al-Mu'minin [Commander of the faithful] as per the Qur'an and Sunnah to establish the Khilafah [Caliphate] upon deen [religion] and upon the earth of Allah. In shaa' Allah rab alalmeen, me and my brother will make our way to Yemen, in shaa' Allah, and in shaa' Allah become victorious, bism Allah azza wa jal [in the name of the exalted Allah].

Sitting next to PADILLA-CONDE is LUDKE, who endorses PADILLA-CONDE by stating the following (as preliminarily translated and transcribed):

Alsalamu Alaykum wa rahmatu Allahi wa barakatuh, [Islamic greeting] my name is Abu Dujana, in shaa' Allah you brothers are familiar with me, I just want to say, wallahi [by Allah] man, I attest to the brother's taqua, [piety], I attest to the brother's iman [faith], he is a good brother, alhamdu lillah and he's striving to the Jannah [Paradise] with me, in shaa' Allah I look forward so much to join you brothers, ma shaa' Allah it's going to be a beautiful day, man. Allahu akbar.

PADILLA-CONDE also said, "Allahu akbar, ashhadu alla ilaha illa Allah, [Islamic creed]."

15. On October 3, 2016, the UCE received an email from LUDKE using email address salafimuslim1980@XXX.com, stating "Brother we making hijrah so just update me if ikhwan have brothers Mexico I can talk to for help??? Was sallam." On October 4, 2016, LUDKE sent the UCE an email from the same account stating PADILLA-CONDE is "going to Iraq and would like to join up with u insha Allah. I would like Iraq or sham [Syria]."

16. On October 4, 2016, the UCE exchanged the below private messages with LUDKE, using the name "Aboo Dujana," via **TARGET ACCOUNT #2**:

Aboo Dujana: Can they get us out Brazil As easier travel From there
Or mexico

The UCE informs LUDKE that travel arrangements can be made
from Mexico but not from necessarily other countries.

Aboo Dujana: Okay we go mexico

The UCE informs LUDKE that people will be ready to receive him
in Mexico and may have passports for Arabic countries available.

Aboo Dujana: Ok

The UCE instructs LUDKE not to move until his/her contacts are
ready.

Aboo Dujana: Ok

17. On October 5, 2016, the UCE conducted an ongoing email conversation with LUDKE at email address salafimuslim1980@XXX.com. LUDKE informed the UCE that he was travelling in Texas and was on his way to El Paso. LUDKE stated that his brother-in-law, a Palestinian Muslim, advised that he go to El Paso. LUDKE stated that he and PADILLA-CONDE intended to sell the vehicle once they arrived in El Paso. LUDKE also stated that he was to meet a woman in Texas who he intended to marry and that they intended to live in Raqqa, Syria. LUDKE

told the UCE that he has training in jui jitsu (martial arts) and computers, which the UCE commented would be a benefit to the brothers. LUDKE stated that PADILLA-CONDE already had received firearms training from his time in the military in Cuba.

18. On October 5, 2016, law enforcement located PADILLA-CONDE and LUDKE near San Angelo, Texas, heading southeast toward the United States/Mexican border. LUDKE was arrested on an outstanding warrant from Milwaukee, and PADILLA-CONDE was held on immigration related issues. The vehicle in which LUDKE and PADILLA-CONDE were traveling at the time of their arrest, and their cellular telephones, were seized during the arrest and were secured by the local law enforcement officials.

19. On October 21, 2016, Facebook provided the following information on the following accounts:

- A. **TARGET ACCOUNT #1**, Abuz Sayyaf/100013584309330, was registered on September 24, 2016. The account was registered using the email address "abusayyaf1980@XXX.com," an email address known to be used by Ludke. The Facebook account listed the vanity name "abuz.sayyaf7". This account was disabled on October 1, 2016.
- B. **TARGET ACCOUNT #2**, Aboo Dujana/100013677728206, was registered on October 1, 2016 using phone number 414-XXX-2314, a number known to be used by Ludke. The account listed the vanity name "aboo.dujana.1". This account was active as of October 21, 2016.
- C. **TARGET ACCOUNT #3**, Abullah Islam/100010807535746, was registered on December 1, 2015. The account was registered using the email address "salafimuslim1980@XXX.com," an email address known to be used by Ludke. The

Facebook account listed the vanity name "Abdullah.islam.14855". This account was active as of October 21, 2016.

- D. **TARGET ACCOUNT #4**, Mohamed Abdun Naasir/100010784828336, was registered on December 1, 2015. The account was registered using the email address "salafimuslim1980@XXX.com" and listed an additional email address of "Abdullah.islam.3954@XXX.com." Both email addresses are known to be used by Ludke. The account listed the vanity name of "Abdulla.islam.3954". This account was active as of October 4, 2016.
- E. **TARGET ACCOUNT #5**, Aboo Dujana/100013655050137, was registered on October 1, 2016 using phone number 414-XXX-7897, a phone number known to be used by Ludke. During a post arrest interview, Ludke identified 414-XXX-7897 as a telephone number that he used. No email address was provided. This account lists the vanity name "aboo.dujana.3". This account was last active on October 4, 2016.
- F. **TARGET ACCOUNT #6**, Abdullah Islam/100010500665387, was registered on October 1, 2016 using phone number 414-XXX-7897, a phone number known to be used by Ludke. No email address was provided with registering this account. This account lists the vanity name "aboo.dujana.3". This account was active as of October 4, 2016.

FACEBOOK

20. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.Facebook.com>. Facebook allows its users to establish

accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

21. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

22. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

23. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

24. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.

25. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos associated with a user's account include all photos uploaded by that user that have not been deleted, as well as all photos uploaded by any user that have that user tagged in them.

26. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages

through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

27. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

28. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (i.e., non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

29. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

30. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

31. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs (“blogs”), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

32. The Facebook Gifts feature allows users to send virtual “gifts” to their friends that appear as icons on the recipient’s profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other “pokes,” which are

free and simply result in a notification to the recipient that he or she has been “poked” by the sender.

33. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

34. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

35. Facebook uses the term “Neoprint” to describe an expanded view of a given user profile. The “Neoprint” for a given user can include the following information from the user’s profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.

36. Facebook also retains Internet Protocol (“IP”) logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user’s IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

37. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

38. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the

account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

39. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

40. Based on my training and experience I know that persons sympathetic to the ideals, principals, and goals of terrorist organizations communicate, both domestically and internationally, with likeminded persons using social media platforms such as Facebook. I submit the facts set forth herein establish probable cause that Ludke used **TARGET ACCOUNTS #1 and #2** to communicate with a person he believed to be a supporter of a foreign terrorist organization to advance his intent to provide material support to that organization. Based on those facts and my training and experience, I submit there is probable cause to believe that evidence of that attempt may likewise be found on **TARGET ACCOUNTS #3, #4, #5, and #6**, which

accounts are associated with Ludke by shared names, phone numbers, and/or email addresses, and their time relationship to the criminal conduct alleged herein.

41. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

42. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711 and 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A).

43. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

44. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the Facebook Accounts described in Attachment A to seek the information described in Attachment B.

ATTACHMENT A

This warrant applies to information associated with the Facebook user IDs specified below which are stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

The **TARGET ACCOUNTS** to be searched are:

Target Account #1 -- Facebook User ID Abuz Sayyaf/100013584309330;

Target Account #2 -- Facebook User ID Aboo Dujana/100013677728206;

Target Account #3 -- Facebook User ID Abdullah Islam/100010807535746;

Target Account #4 -- Facebook User ID Mohamed Abdun Naasir/100010784828336;

Target Account #5 -- Facebook User ID Aboo Dujana/100013655050137; and

Target Account #6 -- Facebook User ID Abdullah Islam/100010500665387.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including **for user IDs:** full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers, and **for group IDs:** group identification number, a list of users currently registered to the group, and Group Contact Info, including all contact information for the creator and/or administrator of the group and a PDF of the current status of the group profile page.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which

- the user is a member, including the groups' Facebook group identification numbers;
future and past event postings; rejected "Friend" requests; comments; gifts; pokes;
tags; and information about the user's access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
 - (f) All "check ins" and other location information;
 - (g) All IP logs, including all records of the IP addresses that logged into the account;
 - (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
 - (i) All information about the Facebook pages that the account is or was a "fan" of;
 - (j) All past and present lists of friends created by the account;
 - (k) All records of Facebook searches performed by the account;
 - (l) All information about the user's access and use of Facebook Marketplace;
 - (m) The types of service utilized by the user;
 - (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
 - (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. §§ 2339B(a)(1), involving JASON MICHAEL LUDKE, YOSVANY PADILLA-CONDE, and others since September 1, 2016, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- a. Any information in any form that is related to terrorism or a threat the national security of the United States;
- b. Evidence of loyalties to a foreign power;
- c. Information regarding weapons, ammunition, tactical equipment, tactical or camouflage clothing, explosives, explosives devices, explosive precursor chemicals, incendiaries; incendiary devices, incendiary chemicals or precursor chemicals and any other hazardous devices or substances deemed relevant to the investigation;
- d. Flags, banners, patches, specifically designed clothing that depicts the symbol of a terrorist groups or terrorist movements;
- e. Documents, travel plans, travel documents, forms of identification, journals, diaries, notes, memos and draft communication in physical or electronic form;
- f. Calendars, time schedules, address books, contact list information;
- g. Photographs, graphical images, drawings, maps, plans for operational terrorist acts;

- h. Financial information to include all financial institution records, checks, credit or debit cards, automated teller machine cards, public benefit program cards, account information, other financial records, financial instruments and moneys;
- i. Cellular telephones, smart telephones, computers, electronic data storage devices or media, associated electronic accessories;
- j. All communications, including email, text messaging, telephone calls or other communications relevant to this investigation;
- k. Any information that could be determined to be passwords, personal identification numbers (PINs), or other information necessary to encrypt or decrypt information;
- l. Web browser history, internet or web site search history, Internet Service Provider (ISP) addresses stored, visited or connected with;
- m. Evidence of geographical location of the cellular telephones or any other electronic device at times relevant to the investigation;
- n. Global Positioning System (GPS) information and mapping history from any device;
- o. Information regarding any financial accounts, money orders, wire transfers, cashier's check receipts, bank statements, passbooks, checkbooks, and check registers pertaining to travel overseas, the Islamic State of Iraq and the Levant (ISIL), terrorist or military-like activities, or violent acts;
- p. Information regarding any secure storage facilities for financial instruments, passports, visas, and identification documents, including safe deposit boxes;

- q. Persons associated with ISIL or involved in terrorist or military-like activities or violent acts overseas or in the United States, including their identities and location and contact information;
- r. Travel documents and indicia of travel overseas and domestically, including airline tickets, passports, visas, hotel records, and travel itineraries;
- s. Organizations whose purpose, primary or ancillary, is raising, collecting, organizing, distributing, or facilitating funds, goods, personnel, or services for training and fighting overseas or in the United States and *not* in conjunction with the U.S. armed forces;
- t. Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- u. Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation;
- v. The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s); and
- w. The identity of the person(s) who communicated with the user ID about matters relating to providing material support to terrorist organizations, including records that help reveal their whereabouts.

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Facebook, and my official title is _____. I am a custodian of records for Facebook. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Facebook, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Facebook; and
- c. such records were made by Facebook as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature